

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

LETISE T. JOHNSON,

Plaintiff,

-against-

1:13-CV-0348 (LEK/RFT)

BRIAN FISCHER; *et al.*,

Defendants.

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**ORDER**

This matter comes before the Court following a Report-Recommendation filed on April 9, 2013, by the Honorable Randolph F. Treece, U.S. Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3. Dkt. No. 3 (“Report-Recommendation”).

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings and recommendations.” FED. R. CIV. P. 72(b); L.R. 72.1(c). “If no objections are filed . . . reviewing courts should review a report and recommendation for clear error.” Edwards v. Fischer, 414 F. Supp. 2d 342, 346-47 (S.D.N.Y. 2006); see also Cephias v. Nash, 328 F.3d 98, 107 (2d Cir. 2003) (“As a rule, a party’s failure to object to any purported error or omission in a magistrate judge’s report waives further judicial review of the point.”); Farid v. Bouey, 554 F. Supp. 2d 301, 306 (N.D.N.Y. 2008).

No objections to the Report-Recommendation were filed in the allotted time period. After a thorough review of the Report-Recommendation and the record, the Court has determined that the Report-Recommendation is not subject to attack for clear error or manifest injustice.

Accordingly, it is hereby:

**ORDERED**, that the Report-Recommendation (Dkt. No. 3) is **APPROVED** and **ADOPTED in its entirety**; and it is further

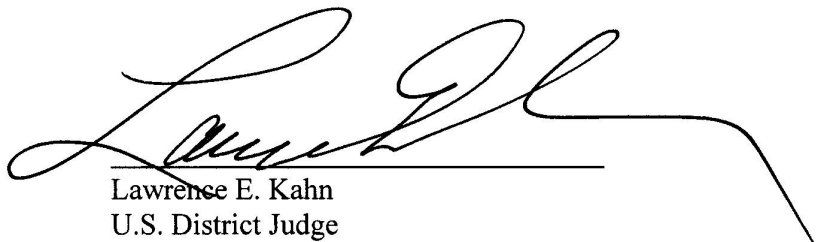
**ORDERED**, that, if Plaintiff wishes to pursue this action, she must file an amended complaint **within thirty (30) days** of the filing date of this order that remedies the deficiencies identified by the Report-Recommendation; and it is further

**ORDERED**, that if Plaintiff fails to timely file an amended complaint as directed above, the Clerk of the Court shall, without further order of the Court, enter judgment indicating that the Complaint (Dkt. No. 1) is **DISMISSED with prejudice** pursuant to 28 U.S.C. § 1915(e) for failure to state a claim upon which relief may be granted. In that event, the Clerk of the Court is directed to close this case; and it is further

**ORDERED**, that the Clerk of the Court serve a copy of this Order upon the parties to this action.

**IT IS SO ORDERED.**

DATED: December 20, 2013  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge